



Tenant Answer and Counterclaim for Nonpayment Eviction

_____ Court

County of _____

Landlord/Petitioner (person/entity that started the case):

Index Number:

Tenants/Respondents (persons whom the case is against):

I am the tenant of the premises located at the following address:

Check all that apply:

ANSWER

General Denial. The claims in the petition are not correct.

SERVICE

I did not get both the notice of petition and petition.

I got the notice of petition and petition, but the papers were not delivered the way the law requires.

I did not get a written rent demand.

I got the written rent demand, but it was not delivered the way the law requires.

I got a written rent demand, but it gave me less than 14 days to pay the rent.

PARTIES

My name is wrong in this case.

My name is not on the notice of petition and petition.

Petitioner is not the landlord or owner of the building.

The tenant listed is dead.

RENT

Landlord didn't send the required notice by certified mail that my rent was 5 days overdue [see RPAPL 235-e].

I, or someone on my behalf, tried to pay the rent, but the petitioner refused to accept it.

The monthly rent requested is not the legal rent or the amount in the current lease.

Petitioner owes me money because of a rent overcharge.

Petitioner is asking for extra fees, late charges and penalties that are not part of the rent.

I paid all or some of the rent to the petitioner.

APARTMENT/HOUSE

There are or were conditions in the premises that need to be repaired and/or services that need to be restored (describe conditions and/or services):

My home is not listed correctly on the court papers (check all that apply):

wrong apartment/house number

wrong or missing information about rent regulation or laws that cover me

The apartment is illegal.

OTHER

Petitioner has waited too long to bring this case (laches).

Petitioner has harassed me (please explain):

Petitioner is asking for the HUD or Housing Authority Section 8 part of the rent, but the petitioner did not notify HUD or the Housing Authority about this case.

I serve in the military, or I am dependent on someone in the military.

Other defense/answer (please explain):

COUNTERCLAIMS

I request a judgment against the petitioner.

Petitioner owes me \$_____ for repairs or services I paid for.

Petitioner owes me \$_____ for rent overcharges.

Petitioner owes me a rent reduction or refund for failing to provide services.

Petitioner should be fined for harassing me

NOTE: Only tenants in New York City – Bronx, Kings (Brooklyn), New York (Manhattan), Queens, or Richmond (Staten Island) – can make this claim.

VERIFICATION

STATE OF NEW YORK

COUNTY OF _____

_____, being duly sworn, states the following:

- 1. I am the tenant in this case.
- 2. I have read this form, and I know what it says.
- 3. The information above is true, accurate, and complete to the best of my knowledge and belief.

Tenant/Respondent Signature

Sworn to before me this _____
day of _____, 20_____.

Notary Public